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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EMERSON RADIO CORPORATION,

Plaintiff,

v.

**EMERSON QUIET KOOL CO. LTD.
and HOME EASY LTD.**

Defendants.

Civil Action No. 2:17-cv-05358-SDW-ESK

**JOINT STIPULATION TO TRANSFER
VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

Plaintiff Emerson Radio Corp. (“Emerson Radio”) and Defendants Emerson Quiet Kool Co. Ltd. and Home Easy Ltd. (“Emerson Quiet Kool”) hereby stipulate to transfer this action to the District of Delaware pursuant to 28 U.S.C. § 1404(a) and the Court’s inherent powers.

WHEREAS Emerson Radio filed an initial Verified Complaint in this action on July 21, 2017 [D.E. 1] and a First Amended Verified Complaint on September 19, 2017 [D.E. 30];

WHEREAS on October 21, 2020 Emerson Quiet Kool filed a Motion to Dismiss for Failure to Join a Necessary Party Under Fed. R. Civ. P. 19 [D.E. 129] (the “Rule 19 Motion”) seeking, *inter alia*, to transfer this case to the District of Delaware where the case captioned *Emerson Electric Co. v. Emerson Quiet Kool Co. Ltd. and Home Easy Ltd.*, Civil Action No. 1:17-cv-01846-LPS (the “Emerson Electric Action”) is pending [D.E. 136 at 3];

WHEREAS Emerson Radio has not yet filed its opposition to the Rule 19 Motion under the briefing schedule set by the Court [D.E. 138], but has objected to the merits of the Rule 19 Motion in correspondence filed with the Court [D.E. 126, 136];

WHEREAS the District of Delaware would have personal jurisdiction over the parties and subject matter jurisdiction over the causes of action alleged in the First Amended Verified Complaint pursuant to 28 U.S.C. §§ 1331 and 1338(a);

WHEREAS without Emerson Radio waiving its objections to the Rule 19 Motion, the Parties have met and conferred and agree that a transfer of this action to the District of Delaware pursuant to 28 U.S.C. § 1404(a) is appropriate in the interest of efficiency and would resolve the issues raised in the Rule 19 Motion without the need for further litigation; and

WHEREAS 28 U.S.C. § 1404(a) permits a district court, in the interest of justice, to transfer a case to another district where venue is proper, and a district court also has inherent authority to transfer cases in order to manage its docket, *see, e.g., Beacon Navigation GmbH v. Chrysler Group L.L.C.*, No. 11-CV-921, 2013 U.S. Dist. LEXIS 38437 at *30-32 (D. Del. Mar. 20, 2013);

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

1. The Rule 19 Motion is hereby withdrawn;
2. This case is hereby transferred to the District of Delaware pursuant to 28 U.S.C. § 1404(a); and
3. Once transferred to the District of Delaware, the Parties will file a notice of related case with the Emerson Electric Action pursuant to D. Del. LR 3.1 and in the interests of judicial efficiency, but without any waiver of Emerson Radio's objections to Emerson Quiet Kool's Rule 19 motion, the Parties agree that they will not oppose consolidation through trial.

IT IS SO STIPULATED this 3rd day of December, 2020.

s/Mark H. Anania

Mark H. Anania

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Kool Co. Ltd. and Home Easy Ltd.

SO ORDERED this _____ day of _____, 2020
